



January 26, 2022

Ms. Pamela J. Langston Scully, P.E.
Remedial Project Manager
United States Environmental Protection Agency, Region IV
Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303-8960

Ms. Sonja Favors
Alabama Department of Environmental Management
Chief, Industrial Hazardous Waste Branch
Land Division
1400 Coliseum Boulevard
Montgomery, AL 36110

**Re: Operable Unit 3 Annual Institutional Control Monitoring Report for 2021
Anniston PCB Site (Docket No. 1:02-cv-749-KOB)
Anniston, Alabama**

Dear Ms. Langston Scully and Ms. Favors:

Pharmacia LLC and Solutia Inc. (Solutia; collectively P/S), as parties to the Consent Decree (Docket No. 1:02-cv-0749-KOB), are submitting this report to document compliance with Institutional Controls (ICs) that have been implemented for Operable Unit 3 (OU-3) of the Anniston PCB Site (Site), which includes Solutia's manufacturing facility (Facility) and two former landfills (the West End Landfill and the South Landfill).

In January 2021, P/S and the Alabama Department of Environmental Management (ADEM) executed an Environmental Covenant for the OU-3 property. On February 16, 2021, P/S recorded the Environmental Covenant with the land records of the Probate Office of Calhoun County pursuant to Section 12 of the Alabama Uniform Environmental Covenants Act (UECA). On September 30, 2021, P/S submitted a revised and final Institutional Control Implementation and Assurance Plan (ICIAP) for OU-3 to the U.S. Environmental Protection Agency (USEPA) for review. The ICIAP incorporated the Environmental Covenant, summarizes the ICs that have been established, and describes the IC maintenance and reporting requirements. USEPA approval of the ICIAP is pending.

As described in the ICIAP, the ICs established for OU-3 include the following:

- Execution of an OU-3 Environmental Covenant with the ADEM
- Deed notice in the land records of Calhoun County
- Facility's Excavation Permit Policy

The ICs are part of the selected remedy described in the Interim Record of Decision (IROD), issued by USEPA in September 2011. The ICs are designed to restrict land and resource use at OU-3 and to ensure the continued protection of previously implemented corrective measures and remedial actions to assure the protection of human health and the environment.

In accordance with the Environmental Covenant and the ICIAP, P/S are required to submit an annual IC Monitoring Report to the USEPA and the ADEM by the anniversary date when the Environmental Covenant was signed (i.e., by January 26th each year). As described in the ICIAP, the annual IC Monitoring Reports shall describe the following:

- Status of the ICs
- If any IC deficiencies or inconsistencies were identified
- If any part of the OU-3 property was transferred to new owners and, if so, verification that the use restrictions and proprietary controls were communicated to the new owners, and verification that the EPA, ADEM, and local agencies were notified of the property transfer as required by the CD
- Identification of any corrective actions implemented, and any revisions proposed to the monitoring and reporting protocols, if it was determined that a particular control was not meeting its objectives

The Environmental Covenant and deed notices for the OU-3 property have not changed, remain in place, and are recorded in the Calhoun County land records.

The OU-3 property has not been transferred to any new owners and continues to be restricted for industrial purposes only. Groundwater underlying the OU-3 facility is restricted and has not been used for potable, industrial, agricultural, or any other supply purpose. Information regarding the use restrictions at the OU-3 property are accessible to the USEPA, the ADEM, local agencies, and the community through land record files maintained by Calhoun County. Information regarding the use restrictions is also maintained by Solutia in files at the Facility and is available for review upon request or during inspection or enforcement visits.

The Facility's Excavation Permit Policy, which is in place as an IC to manage, not prohibit, subsurface activities, specifies minimum rules and requirements for excavations at the Facility to minimize exposure to potentially contaminated materials, to protect workers from physical hazards, and to protect the integrity of existing engineering controls. The Facility's Health, Safety, Environmental, and Security Department enforces the Excavation Permit Policy for any subsurface excavation or exploration at the Facility. During 2021, eight excavation permits were issued in accordance with the Facility's Excavation Permit Policy. The excavation permit files are maintained at the Facility.

The on-site engineering controls constructed as part of the corrective and remedial actions are inspected and maintained in accordance with the operation and maintenance (O&M) procedures and requirements that are described in the OU-3 Operations and Maintenance Plan for Remedial/Corrective Action Projects (OU-3 O&M Plan; Solutia, August 2021). O&M inspection and maintenance records are maintained in files at the Facility.

As part of this annual review of the ICs, P/S reviewed the ICIAP that was submitted to USEPA for review on September 30, 2021, and determined that no revisions are currently necessary to the ICIAP.

Ms. Pamela J. Langston Scully, P.E.
Ms. Sonja Favors

January 26, 2022
Page 3 of 3

In summary, the ICs established for the OU-3 property remain in place and are effective. No deficiencies or potential breaches of the ICs or the engineering controls were identified during 2021. Inspections performed throughout 2021 have verified that the engineering controls at OU-3 are in-place, their integrity is intact, and they are effective in meeting the design objectives. P/S will continue to monitor the effectiveness of the ICs in accordance with the ICIAP and will continue to perform O&M inspection and maintenance of the engineering controls in accordance with the OU-3 O&M Plan.

This Annual IC Monitoring Report will be maintained in files at the Facility and made available for review to ADEM, the USEPA, and the community upon request or during inspection or enforcement visits.

Please do not hesitate to contact me at 256-231-8404 with any questions or comments that you may have regarding this submittal.

Sincerely,



E. Gayle Macolly
Manager, Remedial Projects
Solutia, Inc.

Attachments

cc: Mr. Thomas Dahl